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# THE RECOGNITION POLICY OF THE UNITED STATES

*With Special Reference to Soviet Russia*

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# THE RECOGNITION POLICY OF THE UNITED STATES

*With Special Reference to Soviet Russia*

**D**OES the non-recognition of the Russian Soviet régime by the United States over a period of nine years constitute a break in the traditional recognition policy of the United States? Or is it consistent with this policy and a natural outgrowth of it? These are questions upon which there is much confusion of thought.

This pamphlet is not a plea for or against recognition. It attempts to summarize impartially the legal aspects of recognition, the traditional recognition policy of the United States and the important official statements of the United States Government in regard to Soviet Russia.

## WHAT IS RECOGNITION?

It is clear that a sovereign state may exist as such even though not recognised by any other state and though it have no formal diplomatic relations with other states. Internal sovereignty cannot depend on recognition. It rests on the fact of the independence of the political entity. Equally, the *de facto* existence of an established government within a previously existing state, as far as its internal acts are concerned, is legally not determined by foreign recognition. A government is the agency for the execution of the external and internal obligations of the state. Recognition merely has to do with the acknowledgment of this fact in international relations.

Recognition of a new government arises in practice only where a government has been changed or established by revolution or by a *coup d'état*.\* No question of recognition arises, for example, when the British Cabinet

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\*The question of recognition may arise in fact in two separate circumstances, either where a new state comes into existence or where a new government is established in a previously existing state. Only the latter contingency is discussed in this study.

changes and a different party comes into power; or when a king dies and his heir succeeds to the throne; or when, as a result of an election, a new Chief Executive assumes office.

Where, however, an internal dispute results in the establishment of a new government (whose *de facto* existence or whose legitimacy may be disputed) recognition involves, among other things, a choice by the recognising state between contesting factions and a determination as to which of these will be acknowledged as the power which speaks for the state; or it involves a determination whether the new government has in fact displaced the old and is willing to assume its proper place in the community of states.

In its extra-legal aspects, recognition is an invitation to intercourse. From the point of view of diplomacy, recognition of a new government, as it necessarily involves the determination that the prior régime displaced by the new authority has ceased to function, is not properly granted until the new government is in effective control of the state. Recognition of a government formally established, ordinarily carries with it in no sense the idea of approbation or of agreement with the course of the recognised country, but tacitly recognises its right to an equal place in the community of states. It is only where recognition is prematurely granted that it properly is looked upon as intervention.

## METHODS OF RECOGNITION

Recognition depends on action by the political department of the recognising state. The question of recognition is determined purely by the executive of the recognising state. The courts must follow the political authority, although they will if necessary construe declarations of the latter.\* Recognition may be formal or tacit. That is, it may be formulated in a treaty or it

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\* Moore's *Digest*, Vol. I. pp. 243 *et seq.*

may be deduced from the nature of the diplomatic relations which spring up between the two states.\*

## RESULTS OF NON-RECOGNITION

The non-recognition of a régime implies that the state in question has no legally competent authority to act for it in international affairs. Such a state has no legal standing in the courts of the non-recognising state and has no political personality in the eyes of the latter. Recently, however, there has been a relaxation of the strict rule as to the consequences of non-recognition, and certain courts in the United States have held that acts of a non-recognised government which have no political implications and which are "just in operation and consistent with public policy"\*\*\* may be deemed to have certain consequences in fact within the territory controlled by the unrecognised government. This common sense view has been brought about largely because, in regard to matters involving acts of the unrecognised government in its own country, the application of the strict rule would entail injustice to the citizens of the country withholding recognition.

There are no formal relations between an unrecognised government and governments which have not accorded recognition. This means that diplomatic representatives are not exchanged, that passports are not recognised, that new treaties are not made, and that there is no official means of protecting citizens of either country in the other. A state refusing to recognise the *de jure* authority of the régime in another state does not necessarily object to business being carried on by its

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- \* 1. Recognition may be extended by a formal declaration, either in a separate and independent document or embodied in a treaty dealing with other matters also.
  2. Recognition may be effected without the use of words directly according it, by entering into such relations with the recognised community as are held to subsist between independent states alone.
  3. The sending of a duly accredited diplomatic representative has the same effect as the negotiation of a treaty.
  4. In some cases, *de facto* recognition has been accorded by the admission that the unrecognised government is actually running affairs without any acquiescence therein by the recognising state.

\*\* Cf opinion of Judge Cardozo in *Sokoloff vs. National City Bank*, 239, New York, 153 (1924).

nationals with the nationals of the unrecognised state, but it does not enter into direct and official relations with the non-recognised government to protect its trade and nationals.

## HISTORICAL RECOGNITION POLICY OF THE UNITED STATES

Prior to the entrance of the United States into the family of nations at the end of the eighteenth century, the recognition of new governments had been practically non-existent as an international problem. This was due primarily to the fact that in the Old World the question involved was usually whether the monarch or the prince had a legal title to his throne—that is, the question of dynastic legitimacy and of the divine right of kings. After the establishment of the United States, and the changes of government in France following the revolution in 1789, the United States took the position that it was not concerned with the question of *how* a new government came into existence, even though it was the result of a breach in the internal law of the state and consequently of the principle of legitimacy. Our Government regarded these questions as of purely domestic concern for the foreign state, having nothing to do with international recognition. We asked only whether the new government actually exercised control—that is, whether there was a responsible agency capable of transacting business with other nations.

The American doctrine of recognition was developed contemporaneously with the doctrine of non-intervention. Consequently recognition was not intended to be an instrument of approval or disapproval of the domestic political questions which precipitated a situation where recognition was necessary. If a government existed in fact as the controlling agency of the state, the United States Government recognised it.

The American policy, formulated by Thomas Jefferson while Secretary of State under George Washington, was closely adhered to by succeeding administrations up



to the Civil War. Jefferson gave it vigorous expression in a letter to Charles Pinckney, United States Minister to the Court of St. James, dated December 30, 1792.

"We certainly cannot deny to other nations," he wrote, "that principle whereon our own government is founded, that every nation has a right to govern itself internally under what forms it pleases and to change these forms at its own will; and externally to transact business with other nations through whatever organ it chooses whether that be a King, Convention, Assembly, Committee, President or whatever it be. The only thing essential is the will of the nation."\*

The policy was reiterated by Henry Clay who declared in the Report of the Committee of Foreign Relations on the recognition of Texas on June 18, 1836, that,

"In cases where an old and established nation has thought proper to change the form of its government, the United States, conforming to the rule which has ever governed their conduct, of strictly abstaining from all interference with domestic concerns of other states, have not stopped to enquire whether the new government has been rightfully adopted or not. It has been sufficient for them that it is in fact the Government of the country, in practical operation."\*\*

James Buchanan, Secretary of State under President Polk, in defining the attitude of the United States toward the revolutionary government established in France in 1848, again declared that this country always recognised actually existing governments. Writing to Mr. Rush, the American Minister in Paris on March 31, 1848, he said:

"In its intercourse with foreign nations, the United States has, from its origin, always recognised *de facto* governments. We recognise the right of all nations to create and reform their political institutions, according to their own will and pleasure. We do not go behind the existing government to involve ourselves in the question of legitimacy. It is sufficient for us to know that a government exists, capable of maintaining itself; and then its recognition on our part inevitably follows."†

\* Jefferson, *Works*, Vol. III, p. 500.

\*\* Senate Document 406, 24th Congress, 1st Session, p. 1.

† Senate Executive Documents 51-64. 30th Congress, 1st Session 1847-1848. Vol. 7, p. 53.

In 1851 when it was again necessary to state our policy toward the French government, Daniel Webster, then Secretary of State under President Fillmore, wrote our Minister to France that

“From President Washington’s time down to the present day it has been a principle always acknowledged by the United States, that every nation possesses a right to govern itself according to its own will, to change institutions at discretion, and to transact its business through whatever agents it may think proper to employ. This cardinal point in our policy has been strongly illustrated by recognising the many forms of political power which have been successively adopted by France in the series of revolutions with which that country has been visited.”\*

The policy stated and restated above was adhered to up to the Civil War. Then, for a time, due to the embarrassment of our domestic situation, Secretary Seward and his immediate successors pursued a slightly different course based on the theory that the will of the nation is deemed to be inseparable from or identical with the will of the people—that is, the fact of control by the new government must appear to be accepted by “organic law with the solemnities which would seem sufficient to guarantee” its stability and permanency.\*\*

But Seward’s policy was soon abandoned, and the United States reverted to the earlier tradition established by Jefferson. In 1877, however, a further condition was introduced. The original requirement that new governments must be “capable of fulfilling international obligations,” was supplemented by the provision that such governments must “manifest a disposition” to adhere to these international obligations. This was brought out clearly by President Hayes in his Annual Message to Congress, December 3, 1877.

Speaking of the recognition of the Diaz Government in Mexico, he said that it had been

“the custom of the United States, when such (revolutionary) changes of government have heretofore occurred in Mexico, to

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\* *Moore’s Digest*, I, 126.

\*\* 1866 *Diplomatic Correspondence*, vol. II, p. 630, cf. Goebel, *Recognition Policy of the United States*, p. 199.

recognise and enter into official relations with the *de facto* government as soon as it should appear to have the approval of the Mexican people and should manifest a disposition to adhere to the obligations of treaties and international friendship.”\*

On September 8, 1900, David Jayne Hill, Acting Secretary of State under McKinley writing to Mr. Hill, United States Minister to Colombia, stated the policy of the United States as follows:

“The policy of the United States, announced and practiced upon occasion for more than a century, has been and is to refrain from acting upon conflicting claims to the *de jure* control of the executive power of a foreign state; but to base the recognition of a foreign government solely on its *de facto* ability to hold the reigns of administrative power. When, by reason of revolution or other internal change not wrought by regular constitutional methods, a conflict of authority exists in another country whereby the titular government to which our representatives are accredited is reduced from power and authority, the rule of the United States is to defer recognition of another executive in its place until it shall appear that it is in possession of the machinery of the state, administering government with the assent of the people thereof and without substantial resistance to its authority, and that it is in a position to fulfill all the international obligations and responsibilities incumbent upon a sovereign state under treaties and international law. When its establishment upon such *de facto* basis is ascertained, it is recognised by directing the United States representative formally to notify its proper minister of his readiness to enter into relations with it, and thereafter by the still more formal process of receiving and issuing new credentials for the respective diplomatic agents.”\*\*

In 1911, (August 18), the late Philander C. Knox, then Secretary of State under Taft, wrote to the American Minister in Haiti:

“Mr. Knox informs Mr. Furniss that if he is satisfied that the government of General Leconte is in full possession of the machinery of government with the acquiescence of the people of Haiti and is in a position to meet the international responsibilities he is authorised to enter into full relations with it, and that he may so inform the Haitian minister for foreign affairs.”\*\*\*

\* *Moore's Digest*, I, 148

\*\* *Moore's Digest*, I, 139.

\*\*\* *Foreign Relations of the United States*, 1911, p. 290.

As late as March 28, 1913, Mr. A. A. Adee, Second Assistant Secretary of State in a memorandum to the late William Jennings Bryan, then Secretary of State under Mr. Wilson, wrote concerning recognition of the Chinese Republic:

"It will, I think simplify the matter to keep in mind the distinction between the recognition necessary to the conduct of international business between two countries and the recognition of the form of government professed by a foreign country.

"In the former case, ever since the American Revolution, entrance upon diplomatic intercourse with foreign states has been *de facto*, dependent upon the existence of three conditions of fact: the control of the administrative machinery of the state; the general acquiescence of its people; and the ability and willingness of their government to discharge international and conventional obligations. The form of government has not been a conditional factor in such recognition; in other words, the *de jure* element of legitimacy of title has been left aside, probably because liable to involve dynastic or constitutional questions hardly within our competency to adjudicate, especially so when the organic form of government has been changed, as by revolution, from a monarchy to a commonwealth or vice versa. The general practice in such cases has been to satisfy ourselves that the change was effective and to enter into relation with the authority in *de facto* possession."\*

With the advent of President Wilson's administration the previous policy, which had been followed so long as practically to establish it as a rule of law, was departed from. The withholding of recognition from Huerta in 1913-1914 was due to Wilson's view that the assumption of the government of Mexico by Huerta, while in formal compliance with the constitution, was a moral evasion thereof and consequently an act of usurpation which the United States as the champion of constitutionalism could not countenance. Mr. Wilson found the test of a right to recognition not in the actual exercise of national power, but in the manner of its acquisition, judged by his ideas of what constitutional government should be. Consequently recognition was withheld.\*\*

Although no such test was applied to the government set up by revolution in Peru in 1914, an attitude similar

\* *Foreign Relations of the United States*, 1913, p. 100.

\*\* See p. 19 for statement of Mr. Wilson concerning Mexico.

to that of the Wilson administration toward violent changes of government finds expression (January 25, 1926) in an informal letter to Señor Castillo, Nicaraguan Minister at Washington from Secretary Kellogg. Mr. Coolidge's Secretary of State says:

"The object of the Central American countries with which the United States was heartily in accord, was to promote constitutional government and orderly procedure in Central America and those Governments agreed upon a joint course of action with regard to the non-recognition of governments coming into office through *coup d'état* or revolution. The United States has adopted the principles of that Treaty (General Treaty of Peace and Amity, signed February 7, 1923) as its policy in the future recognition of Central American Governments as it feels that by so doing it can best show its friendly disposition towards and its desire to be helpful to the Republics of Central America."\*

It appears, therefore, that during more than the first half of the nineteenth century, the policy of recognition by the United States of any new government was based solely upon the latter's power to maintain control. Since that time new elements in the matter of recognition have been introduced into American policy, and in 1877 the recognition of Mexico was apparently based upon three factors: (1) *de facto* control by the new revolutionary government; (2) apparent popular approval of the new government; (3) the disposition of the new government to adhere to the obligations of treaties and international friendship. Similar principles were reiterated in 1900 in the matter of the recognition of Colombia; in 1911 in the matter of the recognition of Haiti; and in 1913 in the question of the recognition of the Chinese Republic. Under President Coolidge the principle of recognition of new governments was further modified by the proviso in the letter of January 25, 1926, quoted above, by which recognition to new governments in certain Central American states would only be accorded if they had come into being by constitutional means.

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\* See p. 20 for text of pertinent sections of this treaty.



## UNITED STATES RECOGNITION POLICY WITH REFERENCE TO THE UNION OF SOCIALIST SOVIET REPUBLICS

The position of the United States Government in regard to the recognition of the Union of Socialist Soviet Republics has been set forth in various official pronouncements.

On August 10, 1920, in a note to the Italian Ambassador, Mr. Bainbridge Colby, then Secretary of State under President Wilson stated that:

"In the view of this Government, there cannot be any common ground upon which it can stand with a Power whose conceptions of international relations are so entirely alien to its own, so utterly repugnant to its moral sense. There can be no mutual confidence or trust, no respect even, if pledges are to be given and agreements made with a cynical repudiation of their obligations already in the mind of one of the parties. We cannot recognise, hold official relations with, or give friendly reception to the agents of a government which is determined and bound to conspire against our institutions; whose diplomats will be the agitators of dangerous revolt, whose spokesmen say that they sign agreements with no intention of keeping them."\*

The policy of the United States was restated and amplified by Secretary Hughes in 1921 and again in 1923. In a note transmitted to the American Consul at Reval, March 25, 1921, Mr. Hughes based the resumption of *trade* relations with Russia on the following bases: (1) the safety of life; (2) the recognition by firm guarantee of private property; (3) the sanctity of contract; (4) the right of free labor. On July 19, 1923, in a letter to the late Samuel Gompers of the American Federation of Labor, Mr. Hughes dealt definitely with the question of recognition of the Soviet régime, carrying over in substance the conditions which he had made in regard to resumption of trade relations. Stating that "we are not concerned with the question of the legitimacy of a government as judged by former European standards;" that we "recognise the right of revolution and we do not attempt to determine the internal concerns of other states," Mr. Hughes continued:

\* See p. 21 for fuller statement of Mr. Colby.

"But while a foreign régime may have securely established itself through the exercise of control and the submission of the people to, or their acquiescence in, its exercise of authority, there still remain other questions to be considered. Recognition is an invitation to intercourse. It is accompanied on the part of the new government by the clearly implied or express promise to fulfill the obligations of intercourse. These obligations include, among other things, the protection of the persons and property of the citizens of one country lawfully pursuing their business in the territory of the other and abstention from hostile propaganda by one country in the territory of the other. In the case of the existing régime in Russia, there has not only been the tyrannical procedure to which you refer, and which has caused the question of the submission or acquiescence of the Russian people to remain an open one, but also a repudiation of the obligations inherent in international intercourse and a defiance of the principles upon which alone it can be conducted."\*

In his first message to Congress, December 6, 1923, President Coolidge stated the position of his Administration in regard to Russian recognition.

"Our Government," he said, "offers no objection to the carrying on of commerce by our citizens with the people of Russia. Our Government does not propose, however, to enter into relations with another régime which refuses to recognise the sanctity of international obligations. I do not propose to barter away for the privilege of trade any of the cherished rights of humanity. I do not propose to make merchandise of any American principles. These rights and principles must go wherever the sanctions of our Government go. . . . Whenever there appears any disposition to compensate our citizens who were despoiled, and to recognise that debt contracted with our Government, not by the Czar, but by the newly formed Republic of Russia;\*\* whenever the active spirit of enmity to our institutions is abated; whenever there appear works meet for repentance, our country ought to be the first to go to the economic and moral rescue of Russia."\*\*\*

The direct answer to President Coolidge's Message came in the form of a note, received in Washington on December 16, 1923, from M. Chicherin, Soviet Commissar for Foreign Affairs.

"After reading your message to Congress," the note states in part, "the Soviet Government, sincerely anxious to establish

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\* See p. 23 for fuller statement of Mr. Hughes.

\*\* See p. 28 for statement of amount of debt.

\*\*\* See p. 25 for full statement of President Coolidge

at last firm friendship with the people and Government of the United States, informs you of its complete readiness to discuss with your Government all problems mentioned in your message, these negotiations being based on the principle of mutual non-intervention in internal affairs. . . .

"As to the questions of claims mentioned in your message, the Soviet Government is fully prepared to do all in its power so far as the dignity and interests of its country permit, to bring about the desired end, the renewal of friendship with the United States of America."\*

On December 18, 1923, Secretary of State Hughes replied to M. Chicherin:

"There would seem to be at this time no reason for negotiations. . . . If the Soviet authorities are ready to restore the confiscated property of American citizens or make effective compensation, they can do so. If the Soviet authorities are ready to repeal their decrees repudiating Russia's obligations to this country and appropriately recognise them, they can do so. It requires no conference or negotiations to accomplish these results which can and should be achieved at Moscow as evidence of good faith. . . ."\*\*

The note of December 18, 1923, is the last official pronouncement of the United States Government in regard to Soviet Russia and may therefore be taken as indicating its policy today.

## SUMMARY

The development of the recognition policy of the United States has been traced from Jefferson to Kellogg. Jefferson based the recognition of new governments purely on the power of the new government to maintain control; later the apparent popular approval of the new government was added as a prerequisite to recognition and finally the disposition of the new government to adhere to the obligations of treaties and international friendship. Very recently, in special relation to Central America, a further condition was added, that the new government would be accorded recognition only if it had come into being by constitutional means.

\* See p. 26 for full statement of M. Chicherin.

\*\* See p. 27 for full statement of Mr. Hughes.



The recognition of the Soviet régime by the United States is prevented, according to the official pronouncements of the State Department, by the non-fulfillment of certain conditions of intercourse which may be stated as follows:

1. Abstention from hostile propaganda by Soviet Russia in the territory of the United States.

2. The protection and compensation of persons and property of United States citizens lawfully pursuing their business in Russia.

3. Unequivocal recognition of the debt contracted with our Government by the Kerensky Government of Russia without previous discussion or negotiation concerning these obligations.

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# APPENDIX I

## STATES WHICH HAVE RECOGNIZED THE UNION OF SOCIALIST SOVIET REPUBLICS (1926)

	Date of <i>de jure</i> recognition
Afghanistan.....	February 28, 1921
Austria.....	February 20, 1924
China.....	May 31, 1924
Denmark.....	June 18, 1924
Esthonia.....	February 2, 1920
Finland.....	October 14, 1920
France.....	October 28, 1924
Germany.....	April 16, 1922
Great Britain.....	February 1, 1924
Greece.....	March 8, 1924
Italy.....	February 7, 1924
Japan.....	January 1, 1925
Latvia.....	August 11, 1925
Lithuania.....	July 12, 1925
Mexico.....	August 4, 1924
Norway.....	February 13, 1924
Persia.....	February 26, 1921
Poland.....	March 18, 1921
Sweden.....	March 15, 1924
Turkey.....	March 16, 1921
Uruguay.....	August 24, 1926

## LIST OF COUNTRIES HAVING TREATY RELATIONS WITH THE UNION OF SOCIALIST SOVIET REPUBLICS

Afghanistan	France	Lithuania
Austria	Germany	Mexico
Belgium	Great Britain	Norway
China	Greece	Persia
Czechoslovakia*	Hedjaz	Poland
Denmark	Hungary	Rumania
Esthonia	Italy	Sweden
Finland	Japan	Turkey
	Latvia	

\* A provisional treaty was signed June 5, 1922, between the Czechoslovak and Soviet Governments on the basis of mutual *de facto* recognition.

PRESIDENT WILSON—ANNUAL MESSAGE TO CONGRESS,  
DECEMBER 2, 1913

There can be no certain prospect of peace in America until General Huerta has surrendered his usurped authority in Mexico; until it is understood on all hands, indeed, that such pretended governments will not be countenanced or dealt with by the government of the United States. We are the friends of constitutional government in America; we are more than its friends, we are its champions; because in no other way can our neighbors, to whom we would wish in every way to make proof of our friendship, work out their own development in peace and liberty. Mexico has no government. The attempt to maintain one at the City of Mexico has broken down, and a mere military despotism has been set up which has hardly more than the semblance of national authority. It originated in the usurpation of Victoriano Huerta, who after a brief attempt to play the part of constitutional President, has at last cast aside even the pretense of legal right and declared himself dictator. As a consequence, a condition of affairs now exists in Mexico which has made it doubtful whether even the most elementary and fundamental rights either of her own people or of the citizens of other countries resident within her territory can long be successfully safeguarded, and which threatens, if long continued, to imperil the interests of peace, order, and tolerable life in the lands immediately to the south of us. Even if the usurper had succeeded in his purposes in despite of the constitution of the Republic and the rights of its people, he would have set up nothing but a precarious and hateful power, which could have lasted but a little while, and whose eventual downfall would have left the country in a more deplorable condition than ever. But he has not succeeded. He has forfeited the respect and the moral support even of those who were at one time willing to see him succeed. Little by little he has been completely isolated. By a little every day his power and prestige are crumbling

and the collapse is not far away. We shall not, I believe, be obliged to alter our policy of watchful waiting, and then, when the end comes, we shall hope to see constitutional order restored in distressed Mexico by the concert and energy of such of her leaders as prefer the liberty of their people to their own ambitions.

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ARTICLE II OF THE TREATY OF FEBRUARY 7, 1923,  
BETWEEN SALVADOR, HONDURAS, GUATEMALA,  
NICARAGUA AND COSTA RICA

Desiring to make secure in the Republics of Central America the benefits which are derived from the maintenance of free institutions and to contribute at the same time toward strengthening their stability, and the prestige with which they should be surrounded, they declare that every act, disposition or measure which alters the constitutional organization in any of them is to be deemed a menace to the peace of said Republics whether it proceed from any public power or from the private citizens .

Consequently, the Governments of the Contracting Parties, will not recognise any other Government which may come into power in any of the five Republics through a *coup d'etat* or a revolution against a recognised Government, so long as the freely elected representatives of the people thereof have not constitutionally reorganized the country. And even in such a case they obligate themselves not to acknowledge the recognition if any of the persons elected as President, Vice-President or Chief of State designate should fall under any of the following heads:

1. If he should be the leader or one of the leaders of a *coup d'etat* or revolution, or through blood relationship or marriage, been an ascendent or descendent or brother of such leader or leaders.
2. If he should have been a Secretary of State or should have held some high military command

during the accomplishment of the *coup d'etat*, the revolution, or while the election was being carried on, or if he should have held this office or command within the six months preceding the *coup d'etat*, revolution, or the election.

Furthermore, in no case, shall recognition be accorded to a government which arises from election to power of a citizen expressly and unquestionably disqualified by the Constitution of his country as eligible to election as President, Vice-President, or Chief of State designate.\*

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### APPENDIX III

#### OFFICIAL AMERICAN STATEMENTS IN REGARD TO RECOGNITION OF SOVIET RUSSIA

Secretary of State, Bainbridge Colby, August 10, 1920. Extract from note to the Italian Ambassador.

It is not possible for the Government of the United States to recognise the present rulers of Russia as a government with which the relations common to friendly governments can be maintained. This conviction has nothing to do with any particular political or social structure which the Russian people themselves may see fit to embrace. It rests upon a wholly different set of facts. These facts, which none dispute, have convinced the Government of the United States, against its will, that the existing régime in Russia is based upon the negation of every principle of honor and good faith, and every usage and convention, underlying the whole structure of international law; the negation, in short, of every principle upon which it is possible to base harmonious and trustful relations, whether of nations or of individuals. The responsible leaders of the régime have frequently and openly boasted that they are willing to sign agreements and undertakings with foreign Powers while not having the slightest intention of observing such

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\* *Conference on Central American Affairs, Washington, December 4, 1922—February 7, 1923.* pp. 288-289.

undertakings or carrying out such agreements. This attitude of disregard of obligations voluntarily entered into, they base upon the theory that no compact or agreement made with a non-Bolshevist government can have any moral force for them. They have not only vowed this as a doctrine, but have exemplified it in practice. Indeed, upon numerous occasions the responsible spokesmen of this Power, and its official agencies, have declared that it is their understanding that the very existence of Bolshevism in Russia, the maintenance of their own rule, depends, and must continue to depend, upon the occurrence of revolutions in all other great civilized nations, including the United States, which will overthrow and destroy their governments and set up Bolshevist rule in their stead. They have made it quite plain that they intend to use every means, including, of course, diplomatic agencies, to promote such revolutionary movements in other countries.

In the view of this Government, there cannot be any common ground upon which it can stand with a Power whose conceptions of international relations are so entirely alien to its own, so utterly repugnant to its moral sense. There can be no mutual confidence or trust, no respect even, if pledges are to be given and agreements made with a cynical repudiation of their obligations already in the mind of one of the parties. We cannot recognise, hold official relations with, or give friendly reception to the agents of a government which is determined and bound to conspire against our institutions; whose diplomats will be the agitators of dangerous revolt; whose spokesmen say that they sign agreements with no intention of keeping them.

SECRETARY OF STATE CHARLES EVANS HUGHES: NOTE  
TRANSMITTED TO AMERICAN CONSUL AT REVAL,  
MARCH 25, 1921:

The Government of the United States views with deep sympathy and grave concern the plight of the



people of Russia and desires to aid through every appropriate means in promoting opportunities through which commerce can be established upon a sound basis. It is manifest to this Government that in existing circumstances there is no assurance for the development of trade, as the supplies which Russia might now be able to obtain would be wholly inadequate to meet her needs, and no lasting good can result so long as the present causes of progressive impoverishment continue to operate. It is only in the productivity of Russia that there is any hope for the Russian people, and it is idle to expect resumption of trade until the economic bases of production are securely established. Production is conditioned upon

1. The safety of life;
2. The recognition by firm guarantee of private property;
3. The sanctity of contract; and
4. The right of free labor.

If fundamental changes are contemplated involving due regard for the protection of persons and property and the establishment of conditions essential to the maintenance of commerce, this Government will be glad to have convincing evidence of the consummation of such change and until this evidence is supplied this Government is unable to perceive that there is any proper basis for considering trade relations.

SECRETARY HUGHES TO MR. SAMUEL GOMPERS,  
LETTER OF JULY 19, 1923. EXCERPTS.

. . . To the Department of State, charged with the conduct of our foreign relations, in accordance with the accepted principles of international intercourse, the problem presents itself necessarily in somewhat less general terms. We are not concerned with the question of the legitimacy of a government as judged by former European standards. We recognise the right of revolution and we do not attempt to determine the internal concerns of other states.

. . . But while a foreign régime may have securely established itself through the exercise of control and the submission of the people to, or their acquiescence in, its exercise of authority, there still remain other questions to be considered. Recognition is an invitation to intercourse. It is accompanied on the part of the new government by the clearly implied or express promise to fulfill the obligations of intercourse. These obligations include, among other things, the protection of the persons and property of the citizens of one country lawfully pursuing their business in the territory of the other and abstention from hostile propaganda by one country in the territory of the other. In the case of the existing régime in Russia, there has not only been the tyrannical procedure to which you refer, and which has caused the question of the submission or acquiescence of the Russian people to remain an open one, but also a repudiation of the obligations inherent in international intercourse and a defiance of the principles upon which alone it can be conducted.

The persons of our citizens in Russia are for the moment free from harm. No assurance exists, however, against a repetition of the arbitrary detentions which some of them have suffered in the past. The situation with respect to property is even more palpable. The obligations of Russia to the taxpayers of the United States remain repudiated. The many American citizens who have suffered directly or indirectly by the confiscation of American property in Russia remain without the prospect of indemnification. We have had recent evidence, moreover, that the policy of confiscation is by no means at an end. The effective jurisdiction of Moscow was recently extended to Vladivostok and soon thereafter Moscow directed the carrying out in that city of confiscatory measures such as we saw in Western Russia during 1917 and 1918.

What is most serious is that there is conclusive evidence that those in control at Moscow have not given up their original purpose of destroying existing govern-



ments wherever they can do so throughout the world. . . . Their efforts in this direction have recently been lessened in intensity only by the reduction of the cash resources at their disposal.

. . . While this spirit of destruction at home and abroad remains unaltered the question of recognition by our Government of the authorities at Moscow cannot be determined by mere economic considerations or by the establishment in some degree of a more prosperous condition, which of course we should be glad to note, or simply by a consideration of the probable stability of the régime in question. There cannot be intercourse among nations any more than among individuals except upon a general assumption of good faith. We would welcome convincing evidence of a desire of the Russian authorities to observe the fundamental conditions of international intercourse and the abandonment by them of the persistent attempts to subvert the institutions of democracy as maintained in this country and in others. It may confidently be added that respect by the Moscow régime for the liberties of other peoples will most likely be accompanied by appropriate respect for the essential rights and liberties of the Russian people themselves. The sentiment of our people is not deemed to be favorable to the acceptance into political fellowship of this régime so long as it denies the essential basis of intercourse and cherishes, as an ultimate and definite aim, the destruction of the free institutions which we have laboriously built up, containing as they do the necessary assurance of the freedom of labor upon which our prosperity must depend.

PRESIDENT COOLIDGE—EXTRACT FROM ANNUAL  
MESSAGE TO CONGRESS DECEMBER 6, 1923

Our diplomatic relations, lately so largely interrupted, are now being resumed, but Russia presents notable difficulties. We have every desire to have that great people, who are our traditional friends, restored to their position among the nations of the earth. We have

relieved their pitiable destitution with an enormous charity. Our Government offers no objection to the carrying on of commerce by our citizens with the people of Russia. Our Government does not propose, however, to enter into relations with another régime which refuses to recognise the sanctity of international obligations. I do not propose to barter away for the privilege of trade any of the cherished rights of humanity. I do not propose to make merchandise of any American principles. These rights and principles must go wherever the sanctions of our Government go.

But while the favor of America is not for sale, I am willing to make very large concessions for the purpose of rescuing the people of Russia. Already encouraging evidences of returning to the ancient ways of society can be detected. But more are needed. Whenever there appears any disposition to compensate our citizens who were despoiled, and to recognise that debt contracted with our Government, not by the Czar, but by the newly formed Republic of Russia; whenever the active spirit of enmity to our institutions is abated; whenever there appear works meet for repentance, our country ought to be the first to go to the economic and moral rescue of Russia. We have every desire to help and no desire to injure. We hope the time is near at hand when we can act.

NOTE SENT TO THE GOVERNMENT OF THE UNITED  
STATES BY THE SOVIET COMMISSAR FOR FOREIGN  
AFFAIRS, M. CHICHERIN\*

It has been the constant endeavor of the Soviet Government to bring about a resumption of friendly relations with the United States of America based upon mutual trust. With this end in view it has repeatedly announced its readiness to enter into negotiations with the American Government and to remove all misunderstandings and differences between the two countries.

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\* Received at Washington on December 16, 1923.

After reading your message to Congress, the Soviet Government, sincerely anxious to establish at last firm friendship with the people and Government of the United States, informs you of its complete readiness to discuss with your Government all problems mentioned in your message, these negotiations being based on the principle of mutual non-intervention in internal affairs. The Soviet Government will continue wholeheartedly to adhere to this principle, expecting the same attitude from the American Government.

As to the questions of claims mentioned in your message, the Soviet Government is fully prepared to do all in its power so far as the dignity and interests of its country permit to bring about the desired end, of renewal of friendship with the United States of America.

(Signed) CHICHERIN,  
People's Commissar for Foreign Affairs.

STATEMENT BY SECRETARY OF STATE HUGHES, DATED  
DECEMBER 18, 1923, IN REPLY TO CHICHERIN'S  
TELEGRAM OF DECEMBER 16, 1923.

There would seem to be at this time no reason for negotiations. The American Government, as the President said in his message to the Congress, is not proposing to barter away its principles. If the Soviet authorities are ready to restore the confiscated property of American citizens or make effective compensation, they can do so. If the Soviet authorities are ready to repeal their decrees repudiating Russia's obligations to this country and appropriately recognise them, they can do so. It requires no conference or negotiations to accomplish these results which can and should be achieved at Moscow as evidence of good faith. The American Government has not incurred liabilities to Russia or repudiated obligations. Most serious is the continued propaganda to overthrow the institutions of this country. This Government can enter into no negotiations until these efforts directed from Moscow are abandoned.

# ESTIMATE OF RUSSIAN INDEBTEDNESS TO THE UNITED STATES AND OF CLAIMS BY AMERICAN CITIZENS AGAINST RUSSIA

The Russian indebtedness to the United States Government and the claims by Americans against Russia fall into three categories:

## Group A.—THE PRINCIPAL AND INTEREST OF THE RUSSIAN DEBT TO THE UNITED STATES GOVERNMENT<sup>1</sup>

1. Total principal amount of obligations received under Liberty Bond Act.....\$187,729,750.00  
Interest up to Nov. 15, 1925.....\$67,161,027.76
  2. Total principal amount of obligations received for surplus supplies sold on credit under Act of July 9, 1918 .....406,082.30  
Interest up to Nov. 15, 1925.....71,064.42
  3. Total principal amount of obligations received for relief supplies furnished on credit under Act of February 25, 1919 and March 30, 1920.....4,465,465.07  
Interest up to Nov. 15, 1925.....1,158,012.31
- Total* net principal amount of obligations received by Treasury pursuant to Act mentioned.....\$192,601,297.37  
Interest up to Nov. 15, 1925.....\$68,390,104.49  
Received on account of interest ..7,930,094.33<sup>2</sup>

## Group B.—EXTERNAL BOND ISSUES FLOATED IN THE UNITED STATES.<sup>3</sup>

- Russian external Gold (dollar) 6½% three year Bonds. Dated July 1916.....\$50,000,000.00  
Russian external Gold (dollar) 5½% five year Bonds. Dated December 1, 1916.....25,000,000.00  
*Total* external Bond obligations.....\$75,000,000.00  
Interest on these bonds must be added to the total principal.

## Group C.—COMMERCIAL CLAIMS.<sup>4</sup>

1. Claims of American corporations for losses in Russia:<sup>5</sup> industrial property, goods, concessions, etc.
  2. Miscellaneous claims .....
- Total* of Commercial claims estimated at.....\$430,000,000.00  
*Total* Principal for Groups A. B. and C.....\$697,601,297.37

1. Annual Report of the Secretary of the Treasury on the state of finances for fiscal year ending June 30, 1925, p. 49, 265, 267.
  2. *Ibid.* P. 267. Represents proceeds of liquidation of financial affairs of Russian Government in this country.
  3. Federal Reserve *Bulletin*, August 1922, p. 939.
  4. Report in Washington Evening *Star*, January 30, 1924; "Officially prepared" statement for *Current History*, February, 1926, estimate, \$400,000,000.
  5. The official estimate of the Soviet Government for this category of claims totals 117,750,000 gold Roubles or approximately \$58,782,000.00 See U. S. Commerce Department, Bureau of Foreign and Domestic Commerce, Miscellaneous Series no. 124, *Foreign Capital Investments in Russian Industries*, 1923.
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